

4. EXAMPLES OF GUN TRAFFICKERS AND THEIR SENTENCES

Residential FFL Trafficker

From August 1993 to March 1996, an FFL in Kansas City, Missouri, illegally sold 1,357 firearms, many from his van, over 200 of which were recovered at crime scenes in Kansas City. The firearms were primarily Lorcin and Bryco handguns. The FFL was charged with making sales in violation of State law; recordkeeping violations, and sale to a convicted felon. He entered a guilty plea on May 16, 1996, in the Western District of Missouri (Kansas City) and was sentenced on September 26, 1996, to 71 months' incarceration. This sentence was an upward departure; the sentencing guidelines called for a range of 37 to 46 months.

Gun Store Trafficker

Through Project LEAD, an investigation was initiated in July 1997, when two firearms, recovered in the Bronx, New York, were traced to an FFL in Suffolk County, New York. The investigation revealed that the FFL received a total of 207 firearms from a wholesaler that were then sold as part of an intrastate firearms trafficking operation. Thus far, five firearms have been recovered from crime scenes: four in New York City and one in Maryland. According to the FFL, the guns' serial numbers were removed by a co-conspirator in the Bronx, which accounted for the lack of additional known recovered firearms. In July, 1999, the FFL pled guilty to Criminal Sale of a Firearm, 2nd degree, a class "C" felony, in Suffolk County Court. On that same date, he was sentenced to 42 to 84 months in State prison.

FFL and Interstate Trafficker

This investigation began in March 1996 when a firearm recovered from a Washington, DC youth, charged with illegal possession of a firearm, was traced by the Washington, DC Metropolitan Police Department, after the ATF

National Laboratory successfully raised the serial number. The paper trail led to a gun dealer in Missouri and later to a Nashville, Tennessee, gun trafficker who sold 200-300 guns on the streets of the Nation's capital. To date, 138 semiautomatic firearms originally sold by the Missouri Federal firearms licensee have been recovered in crimes in the Washington, DC, area ranging from nine murders to kidnapping, robbery, attempted murder, armed assault, drugs, and burglary. One of those firearms was used by a gang member to fatally wound a patient being transported to the hospital for treatment of wounds inflicted minutes earlier by the same gunman. On June 2, 1997, the Nashville gun trafficker pled guilty to Federal firearms trafficking charges. On August 22, 1997, he was sentenced to 60 months' imprisonment and 3 years' supervised release by the United States District Court in Nashville, Tennessee. During sentencing, the Federal judge referred to the defendant as a "dealer in death."

Straw Purchasers/Interstate Traffickers

This investigation was initiated in January 1998 by the ATF/ New York Police Department firearms trafficking task force. Between September 1997 and January 1998, two traffickers transported approximately 90 firearms from Georgia to New York. On February 5, 1998, members of the task force, accompanied by special agents from the Savannah, Georgia, field office, conducted surveillance on the subjects as they transported 11 firearms from Augusta, Georgia, to New York City. The two suspects were charged with illegally transporting firearms interstate and unlicensed dealing in firearms and conspiracy. One was sentenced on December 18, 1998, to 18 months' incarceration, and the other was sentenced on July 24, 1998 to 6 months' home detention and 5 years' probation.

Straw Purchaser/Intrastate Trafficker

This investigation was initiated in June of 1997 by ATF in Atlanta, Georgia. During a 9-month period, a straw purchaser had purchased more than 62 firearms in the Atlanta metropolitan area. These firearms were purchased for a defendant, who in turn sold the firearms on the streets of Atlanta. The straw purchaser was convicted and sentenced to 24 months to be served in boot camp. She testified in court that she had provided more than 200 firearms to the other trafficker. On June 5, 1998, the other trafficker pled guilty to violations of unlicensed dealing in firearms and possession of a firearm by a prohibited person, and was sentenced to 105 months in Federal prison.

Traffickers in Firearms Stolen From Gun Store Dealer

On November 17, 1996, more than 100 firearms were stolen from a pawn shop in Nashville, Tennessee. On November 18, 1996, two suspects were arrested when an Ohio State Police Highway Patrol Officer stopped their vehicle and recovered more than 73 of the firearms, as well as several other weapons. One suspect later pled guilty to possession of the stolen firearms.

Several of the remaining firearms that were trafficked by the suspects were recovered in separate incidents: In March 1997, an ATF investigation into the murder of a nightclub owner in Detroit, Michigan, resulted in the recovery of a Llama semiautomatic pistol that had been obtained by the victim. Subsequently, an associate of the murder victim surrendered another firearm, a Sturm Ruger 9mm semiautomatic pistol. Another of the pawn shop firearms (a Glock Model 26 9mm semiautomatic pistol) was recovered at the scene of a quadruple homicide in Nashville, Tennessee, on July 26, 1997.

On September 4, 1997, one of the two possessors of the stolen firearms received a pretrial diversion, later dismissed, by pleading to pos-

session of stolen firearms. The other possessor was sentenced to 57 months in prison and 3 years' supervised probation for violation of possession of stolen firearms and previously convicted felon in possession.

Traffickers in Firearms Stolen From Residences

The defendants were a group of young men who committed first commercial, then residential burglaries. The defendants stole entire gun safes out of homes and then cut them open inside a mini-storage unit they had rented. The suspects became increasingly bolder and more violent, ultimately committing a home invasion in which the female victim was tied up and her house robbed. Several stolen firearms were recovered during the ATF investigation, which involved approximately 200 firearms. Agents executed numerous search warrants which resulted in the recovery of several stolen firearms. Because of the fact that serial numbers were not available on most of the firearms reported as stolen from the residential burglaries, it is not known whether they have been recovered or not. The investigation revealed that the defendants traded these stolen firearms for narcotics or sold them for cash to unknown individuals. All defendants prosecuted were convicted or pled guilty and received a range of prison sentences from 33 to 300 months; two defendants were required to pay restitution of over \$1 million.

Traffickers in Firearms Stolen From Common Carrier

On August 19, 1996, ATF special agents in Wilmington, Delaware, arrested a defendant for receipt of a large quantity of firearms stolen by another defendant, who had been arrested for the theft of 390 Llama firearms from an interstate shipment. Interviews with the thief yielded information regarding the identity and role of the recipient of the guns, who was subsequently arrested. (A third principal was

arrested on August 14 for storing two cartons of the firearms.) On January 8, 1997, the recipient pled guilty to violation of possession of stolen firearms. He was sentenced to 33 months' incarceration on April 16, 1997. The thief was sentenced to 15 months' incarceration and 5 years' probation on January 20, 1998.

Straw Purchasers and International Traffickers

In 1996, ATF initiated an investigation following a seizure by the Colombian National Police of 17 MAK-90 firearms from a group of guerillas. The firearms were traced to several individuals in the Miami area, who had purchased 103 firearms from different licensed dealers and trafficked them to Colombia. Two suspects charged with making false statements were both sentenced to one year in prison, followed by deportation.

Licensed and Unlicensed Dealers Trafficking at Gun Shows

In 1996, ATF initiated an investigation of an unlicensed firearms dealer and convicted felon who was using straw purchasers to acquire large numbers of firearms for subsequent sale

to nonresidents. The primary suspect offered to sell agents an unlimited number of firearms, including fully automatic weapons and silencers.

Agents determined that the primary suspect had illegally trafficked more than 1,000 firearms during the past several years. Some of the firearms involved in this investigation were purchased at gun shows. One of the firearms was recovered from the scene of a shootout in Guadalajara in which two Mexican military officials were killed by drug traffickers. In 1997, another firearm was recovered during the search of the apartment of a former Mexican drug czar following his arrest for drug-related activities. Also under investigation were two federally licensed dealers suspected of selling stolen firearms, allowing individuals to straw purchase guns from them, and transferring firearms "off-the-book." Many of these transactions involved Mexican nationals.

In March 1998, the primary suspect was convicted of possession of an unregistered NFA firearm and sentenced to 78 months in prison, and an additional suspect, who was involved with straw purchasing firearms, was sentenced to 3 years' probation. In February and April 1998, the two licensed dealers were sentenced to 4 and 3 years' probation, respectively.